

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JOHN GONDOR : CIVIL ACTION

v. :
:

MICHAEL CHITWOOD, DANIEL :
OLIVERI, LOUIS GARRY, RICHARD :
HOWELL and MICHAEL MURPHY : NO. 19-5768

ORDER

NOW, this 10th day of September, 2020, upon consideration of plaintiff's Applications for Prisoners to Proceed in District Court Without Prepaying Fees or Costs (Doc. Nos. 5 and 9), and plaintiff having complied with this Court's Order of December 16, 2019 by filing his inmate account statement, it is ORDERED as follows:

1. Plaintiff's application to proceed *in forma pauperis* (Doc. No. 5) is **GRANTED**.
2. Plaintiff's third application to proceed *in forma pauperis* (Doc. No. 9) is **DENIED AS MOOT**.
3. The complaint is deemed filed.
4. The complaint is **DISMISSED WITHOUT PREJUDICE**.
5. Pursuant to 28 U.S.C. § 1915(b), plaintiff, **John Gondor, # 19007563**, shall pay the filing fee of \$350.00 regardless of the outcome of this case.
6. The Warden or other appropriate official at George W. Hill Correctional Facility is directed to assess an initial filing fee of 20% of the greater of (a) the average monthly deposits to Gondor's prison account; or (b) the average monthly balance in Gondor's prison account for the six-month period immediately preceding the filing of this case and forward the initial payment assessed, with a reference to the docket number of

this case, to the Clerk of Court at the following address:

Clerk of the United States District Court
for the Eastern District of Pennsylvania
Room 2609
601 Market Street
Philadelphia, Pennsylvania 19106.

7. In each succeeding month when the amount in Gondor's prison account exceeds \$10.00, the Warden or other appropriate official shall calculate, collect, and forward a payment equaling twenty percent (20%) of the preceding month's income credited to Gondor's prison account until the fee is paid and forward that amount, with a reference to the docket number of this case, to the Clerk of Court at the above address.

8. Plaintiff is granted leave to file an amended complaint within thirty (30) days of the date of this Order, and any amended complaint shall: (a) identify all defendants in the caption of the amended complaint in addition to identifying them in the body of the amended complaint; and (b) state the basis for plaintiff's claims against each defendant.

9. The Clerk of Court shall furnish plaintiff with a copy of the Court's current standard form complaint to be used by a prisoner filing a civil action, bearing the above Civil Action Number.

10. Plaintiff shall use this standard form to file his amended complaint.

11. Upon the filing of an amended complaint, the Clerk shall not make service unless ordered to do so by the Court.

12. The Clerk of Court is directed to forward a copy of this Order to the Warden or other appropriate official at the George W. Hill Correctional Facility and to the plaintiff.

13. If plaintiff does not file an amended complaint within thirty days of the date of this Order, this action will be dismissed.

/s/ TIMOTHY J. SAVAGE J.